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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,846

12/29/2005

Albert Ratermann

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8277

29177

7590

10/18/2007

BELL, BOYD & LLOYD, LLP

P.O. BOX 1135

CHICAGO, IL 60690

EXAMINER

PAN, YUWEN

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

10/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,846

Applicant(s)

RATERMANN ET AL.

Examiner

Yuwen Pan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 8/08/07 have been fully considered but they are not persuasive. The applicant argues that prior art of record does not teach switching at least one further device, in addition to a minimum number of devices switched to the park mode from an active mode device to a park mode. The examiner respectfully disagrees because Fujita reference does teach to switch more than one slave station (the minimum number of slave station could be switch to park mode) in order to maintain a certain throughput (see column 1 and lines 25-33). The teaching of Fujita reference would provide a remedy to Fujioka's system in which a master terminal is active with a maximum number (according to the Bluetooth standard usually the maximum number is 7 slave) of slave stations. According to Fujita, when the master station communicates too many slave stations simultaneously, it would reduce to communication capacity and hence the effective transmission speed of each slave station. Therefore, when the master station is able to communication one slave station (active mood) and ground other stations (park mood) in which more than one station, it would improve the throughput between the master station and slave station.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka (US006907227B2) in view of Fujita (US007088691B2).

Per claim 5, Fujioka discloses A method for operating a short haul radio transmitting/radio receiving system comprising: determining a maximum number of devices that may communicate with a master device; determining devices present that exceed the maximum number; switching devices that exceed the maximum number to a park mode; switching the parked devices exceeding the maximum number into an active mode, according to a predefined strategy; and switching active devices into a park mode according to the predefined strategy (see column 2 and lines 13-67). Fujioka doesn't expressly teach that at least one further device will be switched to the park mode in addition to the minimum number of devices switched to the park mode. Fujita teaches that at least one further device will be switched to the park mode in addition to the minimum number of devices switched to the park mode in which only one device is kept in active mode and the rest of are switched to park mode (see abstract and figure 1). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine teaching of Fujita with Fujioka's device such that it would provide the deterioration of a effective communication rate with respect to an operating time (see column 1 and lines 25-33).

4. Claim 7-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Fujioka (US006907227B2) and Fujita (JP2002064512A) as applied to claim 5 above, and further in view of Manish et al (XP-000968001).

Per claim 7, combination of Fujioka and Fujita doesn't teach that the predefined strategy is based on timeslices which are cyclically assigned to the individual devices. Manish teaches that the predefined strategy is based on timeslices which are cyclically assigned to the individual

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devices (see page 910, under section B UQP and PUQP). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine teaching of Manish with the combination of Fujioka and Fujita such that it would provide proper parameter and fairness among all the slave devices.

Same arguments apply, *mutatis mutandis*, to claims 8-10.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Yuwen Pan

October 3, 2007